

SCHEDULE 2

Article 2

Domestic premises which are social housing

1. Domestic premises in England and Wales are “social housing” if the premises are let below the market rate and—

- (a) the relevant interest in those premises is registered as belonging to a social landlord; or
- (b) if no relevant interest in the premises has been registered, the premises are let by a social landlord other than under a lease granted pursuant to Part 5 of the Housing Act 1985⁽¹⁾.

2. Domestic premises in Scotland are “social housing” if the premises are let below the market rate and—

- (a) the relevant interest in the premises is registered as belonging to a social landlord; or
- (b) if no relevant interest in the premises has been registered, the premises are let by a social landlord other than under a lease granted pursuant to sections 61 to 84 of the Housing (Scotland) Act 1987⁽²⁾, as modified by section 84A of that Act⁽³⁾.

3. In this Schedule—

“relevant interest” means—

- (a) in respect of premises in England and Wales—
 - (i) the freehold estate, unless the whole of the premises have been let under a registered lease; or
 - (ii) the leasehold estate, unless the whole of the premises have been further let under a registered lease;
- (b) in respect of premises in Scotland—
 - (i) the owner’s interest or right, unless the whole of the premises have been let under a registered lease; or
 - (ii) the lessee’s interest under a lease, unless the whole of the premises have been further let under a registered lease;

“social landlord” means—

- (a) in respect of premises in England—
 - (i) a local housing authority, within the meaning of section 1 of the Housing Act 1985⁽⁴⁾;

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- (1) 1985 c. 68. Part 5 was amended by section 83 of the Housing Act 1988 (c. 50), sections 104, 105, 108 to 120 of, and Schedules 21 and 22 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), Schedules 16 and 18 to the Government of Wales Act 1998 (c. 38), Schedule 5 to the Commonhold and Leasehold Reform Act 2002 (c. 15), sections 180 to 190, 192, 193 of, and Schedule 16 to, the Housing Act 2004 (c. 34), Schedules 11 and 13 to the Land Registration Act 2002 (c. 9), Schedules 19 and 22 to the Localism Act 2011 (c. 20), section 100 of, and Schedule 11 to, the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), the Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 (anaw 1), S.I. 1996/2325, 2010/866 and 2019/110. There are other amendments which are not relevant.
 - (2) 1987 c. 26. Sections 61 to 84 were amended by sections 3 and 65 of, and Schedules 2, 8, 9 and 10 to, the Housing (Scotland) Act 1988 (c. 43), sections 168 and 176 of, and Schedules 11 and 12 to, the Local Government and Housing Act 1989 (c. 42), sections 144, 145, 157 of, and Schedule 22 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), Schedules 13 and 14 to the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 2 to the Planning (Consequential Provisions) (Scotland) Act 1997 (c. 11), Schedule 18 to the Government of Wales Act 1998 (c. 38), sections 42 to 49, 51 and 108 of, and Schedule 10 to, the Housing (Scotland) Act 2001 (asp 10), Schedule 7 to the Water Industry (Scotland) Act 2002 (asp 3), sections 140 to 144 of the Housing (Scotland) Act 2010 (asp 17), section 113 of the Housing (Scotland) Act 2006 (asp 1) and S.I. 2000/2040. Sections 61 to 81 and 84 are repealed by section 1 of the Housing (Scotland) Act 2014 (asp 14), subject to savings made by S.S.I. 2014/264.
 - (3) Section 84A was inserted by section 178 of the Local Government and Housing Act 1989 (c. 42). It was amended by paragraph 13 of Schedule 10 to the Housing (Scotland) Act 2001. Section 84A is repealed by section 1 of the Housing (Scotland) Act 2014, subject to savings made by S.S.I. 2014/264.
 - (4) Section 1 was amended by Schedule 8 to the Local Government (Wales) Act 1994 (c. 19).

- (ii) a housing association, within the meaning of section 5 of the Housing Act 1985(5);
- (iii) a housing trust, within the meaning of section 6 of the Housing Act 1985; or
- (iv) a charity, within the meaning of section 1 of the Charities Act 2011(6);
- (b) in respect of premises in Scotland, a person so described in section 165 of the Housing (Scotland) Act 2010(7);
- (c) in respect of premises in Wales—
 - (i) a local housing authority, within the meaning of section 1 of the Housing Act 1985;
 - (ii) a housing association, within the meaning of section 5 of the Housing Act 1985;
 - (iii) a housing trust, within the meaning of section 6 of the Housing Act 1985;
 - (iv) a charity, within the meaning of section 1 of the Charities Act 2011;
 - (v) a person listed in section 80(1) of the Housing Act 1985(8); or
 - (vi) a body registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996(9).
- 4. For the purposes of this Schedule—
 - (a) in respect of premises in England and Wales, a lease or relevant interest is registered if it is registered in the register of title maintained by Her Majesty's Land Registry;
 - (b) in respect of premises in Scotland, a lease or relevant interest is registered if it is—
 - (i) registered in the Land Register of Scotland; or
 - (ii) recorded in the Register of Sasines.

(5) Section 5 was amended by S.I. 1996/2325, S.I. 2010/866 and Schedule 4 to the Co-operative and Community Benefit Societies Act 2014 (c. 14).

(6) 2011 c. 25.

(7) 2010 asp 17. There are amendments to section 165 which are not relevant.

(8) Section 80(1) was amended by section 83 of, and Schedule 18 to, the Housing Act 1988 (c. 50), Schedules 16 and 18 to the Government of Wales Act 1998 (c. 38), Schedules 19 and 22 to the Localism Act 2011 (c. 20), S.I. 2008/3002 and 2010/866.

(9) 1996 c. 52. Chapter 1 of Part 1 was amended by Schedules 16 and 18 to the Government of Wales Act 1998, Schedule 8 to the Charities Act 2006 (c. 50), section 61 of, and Schedule 16 to, the Housing and Regeneration Act 2008 (c. 17), Schedule 4 to the Co-operative and Community Benefit Societies Act 2014 (c. 14), S.I. 2009/1941 and 2013/496. There are other amendments which are not relevant.